



Docket No.: 213244US0

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ATTORNEYS AT LAW

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

RE: Application Serial No.: 09/938,589

Applicants: Michinori NISHIKAWA, et al.

Filing Date: August 27, 2001

For: CHEMICAL MECHANICAL POLISHING STOPPER  
FILM, PROCESS FOR PRODUCING THE SAME,  
AND METHOD OF CHEMICAL MECHANICAL  
POLISHING

Group Art Unit: 2818

Examiner: BERRY, R. R.

SIR:

Attached hereto for filing are the following papers:

**Restriction Response**

Our check in the amount of **\$0.00** is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

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DOCKET NO: 213244US0



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF

MICHINORI NISHIKAWA, ET AL.

: EXAMINER: BERRY, R. R.

SERIAL NO: 09/938,589

:

FILED: AUGUST 27, 2001

: GROUP ART UNIT: 2818

FOR: CHEMICAL MECHANICAL  
POLISHING STOPPER FILM, PROCESS  
FOR PRODUCING THE SAME, AND  
METHOD OF CHEMICAL MECHANICAL  
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RESTRICTION RESPONSE

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

SIR:

This is responsive to the Restriction Requirement mailed February 12, 2004.

Applicants elect, with traverse, Group I, Claims 1-4, for examination.

The Examiner argues that the inventions of Group I and Group II are related as process of making and product made and cites a number of different processes by which the Examiner argues that the product of Claim 1 may be made. However, the Examiner has set forth no reasons to support the position that the particular processes referred to in the Restriction Requirement can, in fact, be used to make the film of Group I and, therefore, it is submitted that the Restriction Requirement is improper and should be withdrawn and all claims examined in the present application.

Further, Applicants respectfully traverse the Restriction Requirement on the grounds that the Office has not shown that a burden exists in searching all the claims in the present

application. The Examiner has set forth only two subclasses for search and it is submitted that the Examiner cannot reasonably assert that a burden exists in searching only two subclasses.

Finally, if the claims of Group I are ultimately held allowable, it is requested that the Examiner rejoin the process claims of Group II under M.P.E.P. § 821.04 and allow these claims also.

Accordingly, for the reasons presented above, Applicants submit that the Office has failed to meet the burden necessary to sustain the Restriction Requirement and withdrawal of the Restriction Requirement is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
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